



State of Florida  
Department of Children and Families

Rick Scott  
Governor

Mike Carroll  
Secretary

# Office of Inspector General

*Enhancing Public Trust in Government*

## Management Review

2017-0005

June 5, 2018

Keith R. Parks  
*Inspector General*

Amie H. Young, J.D.  
*Chief of Investigations*

*"Provide leadership in the promotion of  
accountability and integrity of State Government."*



Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency



**Mike Carroll**  
Secretary

## **DEPARTMENT OF CHILDREN AND FAMILIES OFFICE OF INSPECTOR GENERAL**

**Management Review  
Case Number: 2017-0005**



**Keith R. Parks**  
Inspector General

### **INTRODUCTION**

On December 6, 2016, Department of Children and Families (Department) Circuit 20 Program Administrator Gina D'Avola reported to the Office of Inspector General (OIG) that on December 1, 2016, former Lutheran Services Florida, Inc. (LSF) Case Manager (CM) Regina Jeffery<sup>1</sup> transported a foster child, 13-year-old [REDACTED] (Child 1), to a library during the morning (unknown exact time) and left Child 1 unattended and unsupervised for several hours, which subsequently resulted in the initiation of a child protective investigation (FSFN Investigation #2016-336146).<sup>2</sup>

As a result of FSFN Investigation #2016-336146, a potential systemic problem was identified pertaining to children in the custody of LSF. Specifically, teenage children were possibly being left unattended or unsupervised when not in school or a foster care placement facility. According to FSFN Investigation #2016-336146, Child 1 had behavioral issues and was left unsupervised at a library on November 30, 2016 and December 1, 2016, rather than being provided with a suitable alternative.

Based on the information provided by Ms. D'Avola and through FSFN Investigation #2016-336146, the OIG initiated a management review to address the issue of children under the care of LSF possibly being left unattended or unsupervised.

### **ISSUE AND FINDINGS**

#### **Issue**

***Whether Lutheran Services Florida, Inc. (LSF) left teenage children under their care unattended and/or unsupervised when the children were not in school or a foster care placement.***

#### **Governing Directives**

***§ 39.001(1)(a), F.S.; § 409.165(1)(a), (b), and (c), F.S.; § 409.986(1)(a), F.S.; Rule 60L-36.005, F.A.C.; Attachment I, A.2.a.c., B.1.a.6), and Attachment 1.B.1.a.1., Contract #HJ300 between the Department and Children's Network of Southwest Florida, LLC (CNSWFL); Attachment I.C.1.f., Contract #ABK01 between CNSWFL and LSF.***

<sup>1</sup> Effective April 7, 2017, Ms. Jeffery was no longer employed by LSF.

<sup>2</sup> FSFN Investigation #2016-336146 was initiated based on a call to the Florida Abuse Hotline (Hotline) on December 1, 2016 at 12:33 p.m., reporting alleged inadequate supervision of a child. The investigation was closed on January 21, 2017, with verified findings of inadequate supervision.



## Findings

The following individuals were interviewed: <sup>3</sup>

- LSF Program Director Michelle Scott
- LSF Case Manager Supervisor (CMS) Jacqueline Ferdinand
- LSF Senior Case Manager Kim O'Hern<sup>4</sup>
- LSF Licensing Counselor Jacinta Brunson<sup>5</sup>
- LSF CM Eslande Dambrevil
- LSF CM Spencer Walker
- LSF CM Sylvia Ruff
- CNSWFL CM Andrea Gonzalez<sup>6</sup>
- Child Advocacy Center (CAC) Case Coordinator CM Courtney James<sup>7</sup>

Attempts were made to interview the following individuals:

- Former LSF CM Regina Jeffery<sup>8</sup>
- Former LSF Assistant Program Director Letrecia Spencer

### WITNESS ESTIMONY

Ms. Scott has been the LSF Program Director for approximately three years (unknown exact dates) and in that time, there has never been a policy wherein children under the direct supervision of LSF staff were allowed to visit public destinations (movies, malls, libraries, etc.) unsupervised. The LSF policy regarding child safety is governed by Florida Statutes (F.S.), Florida Administrative Code (F.A.C.), and Children and Families Operating Procedures (CFOP). LSF would be liable if something were to happen to a child in the care of LSF and left unsupervised. There are instances when a CM or Family Support Worker (FSW) may take a child to a public destination, but the expectation is that the child will remain under the supervision of the LSF worker the entire time. Ms. Scott advised that as a result of the substantiated findings in FSFN Investigation #2016-336146 involving Child 1, Ms. Spencer and Ms. Jeffery are no longer employed by LSF. There should never be a circumstance in which a CM or FSW would be given supervisory approval to allow a child in the care of LSF to be left unsupervised. The policy regarding child safety has not changed in the time following the incident involving Child 1 (December 1, 2016); however, she (Ms. Scott) did send out e-mails (could not recall exact date) reminding LSF staff that children in the care of LSF are to be under supervision at all times. The issue was also verbalized in LSF

<sup>3</sup> The listed individuals were selected to be interviewed due to their being employed by LSF at the time FSFN Investigation #2016-336146 was initiated.

<sup>4</sup> Ms. O'Hern was a CMS from October 2015 through July 2017, when she became a SCM.

<sup>5</sup> Ms. Brunson was a FSW with LSF before becoming a Licensing Counselor in March 2017.

<sup>6</sup> Ms. Gonzalez was an LSF CM until June 12, 2017, when she was hired by CNSWFL.

<sup>7</sup> Ms. James was an LSF CM for approximately two years, until April 2017, when she was hired by the CAC.

<sup>8</sup> On August 9, 2017, Ms. Jeffery was telephoned by the OIG Investigator. Ms. Jeffery advised that she would not be available for an interview because she was in the process of moving to Alabama. Ms. Jeffery declined to be interviewed at that time and would not provide an address or telephone number for future contact.

<sup>9</sup> The OIG Investigator contacted Ms. Spencer via telephone on October 31, 2017, at which time Ms. Spencer declined to be interviewed.

staff meetings. Ms. Scott was not aware of any other instances in which a child had been left at a public location unsupervised. There were instances in which a child had refused to go to school and a foster care placement was not available and, as a result, the child remained in the LSF office, under supervision of an LSF staff member, until a placement was available. At no time have LSF staff been encouraged to leave children unsupervised at a public location rather than allow them to remain in the LSF office.

Ms. Ferdinand has been an LSF CMS for approximately three years (unknown exact dates). She was a CMS at the time FSFN Investigation #2016-336146 was initiated. The LSF policy requires that a CM or a FSW provide supervision anytime a child is in LSF care. There have been instances in which older children under LSF supervision have run away and were later found at the mall or other public place; however, those situations were out of the control of the CM or FSW. In circumstances when a child is not in school and there is not a foster care placement available, the child is brought to the LSF office where he or she is under the constant supervision of a CM or FSW until a foster care placement is available. The policy regarding the supervision of children in LSF care did not change as a result of the findings pertaining to FSFN Investigation #2016-336146. Ms. Ferdinand did not know of any other circumstance in which a child had been left unsupervised at a public place. Since the incident, LSF hired additional FSWs in order to provide more supervision of children in LSF care. There have been no other reports of children being left unsupervised since the incident involving Child 1.

Ms. O'Hern is an LSF Senior Case Manager (SCM). Formerly, she was a CMS, and she was a CMS at the time FSFN Investigation #2016-336146 was initiated. Ms. Jeffery and Ms. Brunson were involved in the incident involving Child 1, and both were under her supervision at the time. Ms. O'Hern was on vacation when the incident was reported to the Hotline. According to Ms. O'Hern, at the time of the incident there was not a clearly defined policy that addressed leaving teenage children in the care of LSF unsupervised at a public location. The current policy is that a child in the care of LSF will not be left unsupervised. Prior to the incident involving Child 1, if a CM had asked for supervisory approval to allow a "mature" teenager to be left unsupervised at a library for a few hours (two hours or less), she (Ms. O'Hern) would have given her approval. She would not have given her approval to allow a "mature" teenager to remain unsupervised for an extended period of time. Prior to the incident involving Child 1 (could not recall exact date), there was an incident in which Ms. Brunson transported three teenage males to a mall, and during the time the children were in the mall, but out of sight of Ms. Brunson, two of the children were arrested for shoplifting. Ms. O'Hern related that subsequent to FSFN Investigation #2016-336146, e-mails were sent to LSF staff as a reminder that children under the supervision of LSF were not to be left unattended or unsupervised. Children not in school or a foster care placement and under LSF supervision often remained in the LSF office until a placement could be obtained. There was never a time when LSF staff were discouraged from bringing a child to the LSF office if there was no suitable alternative.

Ms. Brunson previously was an FSW with LSF. On two separate occasions, she dropped off teenagers [Child 1 and 15-year-old ██████████ (Child 2)], who were not in school, and left them unsupervised. On November 30, 2016, she dropped Child 1 off at a local library, and on another occasion (unknown date), she left Child 2 at the mall. Beginning on or about October 2016 (unknown exact date), teenage children that

were not in school or a foster care placement were transported to the mall or the movies rather than remain in the LSF office during normal business hours. Normally, the children were picked up at approximately 5:00 p.m. Ms. Spencer authorized the practice, but she (Ms. Brunson) does not know if Ms. Scott was aware of the practice. Ms. Brunson identified Ms. James as transporting a teenager [16-year-old ██████████ (Child 3)] to the mall rather than have Child 3 in the LSF office during business hours. Ms. Brunson recalled that the teenager **may have subsequently been arrested at the mall for shoplifting**. According to Ms. Brunson, Ms. Spencer told Ms. O'Hern to tell her (Ms. Brunson) to transport Child 2 to the mall and **Child 2 was arrested for shoplifting at the mall later that same day (unknown exact date)**.

Ms. James was an LSF CM at the time FSFN Investigation #2016-336146 was initiated. The LSF policy was that children not in school or in foster care placement were to remain under the supervision of a CM or an FSW. The policy has always been in place and did not change as a result of the incident that involved Child 1. When a child is transported to a public destination (mall, movies, etc.), the CM or FSW must remain with the child the entire time. There would never be an instance in which a supervisor could give approval for a child to be left unsupervised for any period of time. Ms. James has not heard of any CMs leaving children unsupervised. She heard of instances of a child running away while under LSF care and, as a result, the child was immediately reported as a runaway to local law enforcement. There was an incident at a local mall when Child 3, who was a child in her caseload, was a runaway from a foster care placement and was subsequently detained at the mall for shoplifting. Ms. James explained that she was contacted by local law enforcement and responded to the mall to return Child 3 to a foster care placement. Child 3 was not arrested for shoplifting at that time.

Ms. Dambrevil stated that it is a violation of LSF policy to leave a child in the care of LSF unsupervised at any time. Ms. Dambrevil has been employed as an LSF CM for approximately a year and a half (unknown exact dates) and the policy has not changed since her initial employment. There are occasions in which children, who are not in school or in foster care placement, have stayed at the LSF office until a placement is found. With the exception of the incident that involved Child 1, Ms. Dambrevil has not heard of any circumstances in which a child was left unsupervised at a public location. Ms. Dambrevil has never asked a supervisor for approval to allow a child to be left unsupervised.

Ms. Ruff has been an LSF CM since April 2014. At the time of the incident (FSFN Investigation #2016-336146) involving Child 1, the policy was that children in the care of LSF were not to be left unsupervised. The policy did not change as a result of the incident, but has been in place since she began her employment at LSF. If a child is not in school or a foster care placement, the child will be under her supervision in the LSF office or accompany her to home visits or court. If another CM or FSW is available, they may be able to provide supervision for the child if she (Ms. Ruff) has a home visit or court hearing to attend. Other than the incident involving Child 1, she has not heard of any children in the care of LSF being left unsupervised.

Mr. Walker has been an LSF CM for approximately four years (unknown exact dates). It is the policy that no child in the care of LSF is to be left unsupervised at any time. If a child in his caseload was not in school or a foster care placement, the child would be

in the LSF office under his supervision, or if he (Mr. Walker) left the office, the child would accompany him if there were no other alternative. According to Mr. Walker, the policy did not change as a result of the child protective investigation (FSFN Investigation #2016-336146) involving Child 1. There would never be an instance in which he or another CM would request supervisory approval to leave a child unsupervised for any amount of time.

Ms. Gonzalez was an LSF CM at the time of the incident involving Child 1 (FSFN Investigation #2016-336146). She is not aware of any other instance in which a child has been dropped off at a public location and left unsupervised. The LSF policy did not change as a result of the incident involving Child 1; however, after the incident reminders (both verbal and via e-mail) were sent to LSF staff stating that children in their care were not to be left unsupervised at any time. She does recall an incident (unknown exact date), during which Ms. James transported a child to a local mall and the child (identity unknown) was subsequently arrested for shoplifting. Ms. Gonzalez recalled that the child was out of view of Ms. James at the time of the arrest.

### RECORDS REVIEW

#### LSF E-Mail

Ms. Scott provided the OIG Investigator with a copy of a December 21, 2016 e-mail from CNSWFL Executive Assistant Michelle Leonard, on behalf of CNSWFL Chief Executive Officer (CEO) Nadereh Salim, sent to all LSF staff regarding security and child supervision at LSF. The e-mail stated in pertinent part, "No children should be left unattended or unsupervised in our building at any time."

On November 16, 2017, Ms. Scott indicated that she was "more than positive" another e-mail had been disseminated; however, she was unable to provide any additional e-mails in response to the OIG Investigator's request for such.

#### Department OIG Investigations and Complaint Management System (ICMS)

Between January 1, 2016 and December 19, 2017, FSFN Investigation #2016-336146 was the only incident reported to the OIG pertaining to unsupervised children in the care of LSF staff members.

#### Google

An internet search was conducted for news-related items pertaining to children in foster care left unsupervised by LSF in Circuit 20. The only item of note was the incident involving Child 1, which was documented in local print and broadcast media.

### ADDITIONAL INFORMATION

While conducting an interview with Ms. Ruff, she indicated that in the past (unknown exact date) a child not in school or a foster care placement, and under her supervision, has accompanied her to home visits or court rather than being left unsupervised. It should be noted that in situations noted by Ms. Ruff, the potential of a breach of confidential information exists anytime an unauthorized individual has access to an LSF client's personal information. A breach of confidential information is a violation of § 39.202(1), F.S., as follows:



39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(1) In order to protect the rights of the child and the child's parents or other persons responsible for the child's welfare, all records held by the [D]epartment concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, shall be confidential and exempt...**and shall not be disclosed except as specifically authorized by this chapter....**

## SUMMARY

With regard to the Issue as to whether Lutheran Services Florida, Inc. (LSF) left teenage children under their care unattended and/or unsupervised when the children were not in school or a foster care placement, this management review revealed the following:

- LSF Program Director Michelle Scott, LSF CMs Jacqueline Fernandez, LSF CMs Eslande Dambrevil, Spencer Walker, and Sylvia Ruiz, CNSWFL CM Andrea Gonzalez, and CAC Case Coordinator Courtney James each testified that to their knowledge, LSF policy has consistently been that children under LSF care are not to be left unattended or unsupervised at any time.
- LSF CM Kim O'Hern testified that current LSF policy is that children under LSF care are not to be left unattended or unsupervised at any time, but at the time of the incident, there was not a clearly defined policy addressing leaving teenage children unsupervised at a public location. She indicated that prior to FSFN Investigation #2016-336146, she would have given supervisory approval to allow a "mature" teenage child to be unsupervised at a library, but for no more than two hours.
- LSF Licensing Counselor Jacinta Brunson testified that on two occasions prior to FSFN Investigation #2016-336146, she left Child 1 and Child 2 unsupervised. In both instances, she was given supervisory approval from former LSF Assistant Program Director Letrecia Spencer.
- Ms. Scott testified that since FSFN Investigation #2016-336146, she sent e-mail reminders to LSF staff that children are not to be left unsupervised at any time.
- A December 21, 2016 e-mail, sent on behalf of CNSWFL CEO Nadereh Salim, reminded all staff that no children should be left unattended or unsupervised in the LSF building at any time. Though additional e-mails referenced in testimony were requested from Ms. Scott, Ms. Scott was unable to provide any additional e-mail correspondence that addressed the supervision of children under LSF care.
- The staff members responsible for Child 1 being left unsupervised, Ms. Spencer and former LSF CM Regina Jeffery, are no longer employed by LSF and declined to be interviewed by the OIG Investigator.

**RECOMMENDATIONS AND ACTIONS**

The OIG recommends that the SunCoast Regional Managing Director:

- Review this report, provide a copy to the management of Children's Network of Southwest Florida, LLC and Lutheran Services Florida, Inc., and take any corrective action deemed appropriate.
- Ensure that all provider staff are reminded of, and adhere to, all policies and procedures regarding the supervision of children in their care.

With regard to Ms. Ruff's testimony that a child may accompany her to home visits, the OIG also recommends that the SunCoast Regional Managing Director:

- Ensure that the management of Children's Network of Southwest Florida, LLC and Lutheran Services Florida, Inc. are aware of staffing requirements in order to provide adequate supervision of children and the fact that this action may constitute a breach of confidential information.

**POST-INVESTIGATIVE ACTIVITIES**

In compliance with § 20.055(7)(e), Florida Statutes (F.S.), a copy of this report was provided to Lutheran Services Florida, Inc. CEO Sam Sipes and Ms. Ruff on April 26, 2018. No response was received from Mr. Sipes or Ms. Ruff.

*This management review has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.*



## REFERENCES

## CONTRACT INFORMATION

The Department contracts with Children's Network of Southwest Florida, LLC (CNSWFL) through Contract #HJ300, effective July 1, 2012 through June 30, 2018, for the delivery, administration, or management of care for children in the child protection and child welfare system in Circuit 20.

Through Contract #ABK01, effective July 1, 2013 through **September 30, 2017**, CNSWFL contracted with Lutheran Services Florida, Inc. (LSF) to provide foster care and related services in Charlotte and Lee Counties. Contract #ABK01 was amended to expire on **October 31, 2017**, subsequently amended to expire on **November 30, 2017**, and again amended to an expiration date of June 30, 2018.

## EXPLANATION OF TERMS

Circuit 20	Circuit 20 consists of Charlotte, Collier, Glades, Hendry, and Lee Counties.
FSFN	The Florida Safe Families Network (FSFN) is the legal electronic system of record used by the Department to track child and adult intake/reports and investigations and case management for children.
Google	Google is an internet search engine developed by Google, a technology company that specializes in internet-related services and products.
Hotline	The Florida Abuse Hotline (Hotline) serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida.
ICMS	The Investigations and Complaint Management System (ICMS) is the database used by the OIG to document and track complaints, investigations, public records requests, and IG Reference Checks.
SunCoast Region	The SunCoast Region consists of Circuit 6 (Pasco and Pinellas Counties); Circuit 12 (DeSoto, Manatee, and Sarasota Counties); Circuit 13 (Hillsborough County); and Circuit 20.